

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER GRAMMER,)	
VIRGINIA GRAMMER,)	
Plaintiffs,)	
)	Case No. CIV-21-948-JD
v.)	
)	
CITY OF SHAWNEE,)	
JAKE DUGGAN, and)	
SHAWNEE POLICE)	
DEPARTMENT,)	
Defendants.)	

COMPLAINT

COMES NOW Plaintiffs, Christopher and Virginia Grammer, for their causes of actions against the Defendants, City of Shawnee, CPL Jake Duggan, and the Shawnee Police Department, allege and state as follows:

1. Defendant, City of Shawnee, is a municipality incorporated under the laws of the State of Oklahoma and is subject to the jurisdiction of this Court.

2. Upon information and belief, Defendant Jake Duggan ("Duggan"), an individual, is a police officer employed by the Defendant City of Shawnee.

3. Defendant, Shawnee Police Department, is a state entity located in Pottawatomie County, Oklahoma and is subject to the jurisdiction of this Court.

4.Plaintiffs are residents of Pottawatomie County, State of Oklahoma.

5.The acts complained of herein occurred in Pottawatomie County, State of Oklahoma.

6.Plaintiffs have complied with the procedural requirements of the Oklahoma Governmental Tort Claims Act, 51 O.S. §§ 151 et seq.

7.Christopher Grammar and Virginia Grammer were arriving home from work when they met Officer Duggan and he followed them into their driveway on or about May 8th, 2019, in Shawnee, Oklahoma without probable cause, breaching Plaintiffs' rights under Oklahoma law, the Oklahoma Constitution, and the United States Constitution and 42 U.S.C. § 1983.

8. Shawnee Police Officer(s) unreasonably detained Mr. Grammer, breaching Plaintiffs' rights under Oklahoma law, the Oklahoma constitution, and the United States Constitution and 42 U.S.C. § 1983.

9.Shawnee Police Officer(s) conducted an unconstitutional search and seizure of Christopher Grammer's vehicle breaching Plaintiffs' rights under Oklahoma law, the Oklahoma constitution, and the United States Constitution and 42 U.S.C. § 1983.

10.Shawnee Police Officer(s) unconstitutionally seized, detained, and then willfully used excessive force on Mr. Grammer, breaching Plaintiffs' rights under Oklahoma law, the Oklahoma constitution, the United States Constitution, 42 U.S.C. § 1983, and the Fourth (4th) Amendment in the United States Constitution. Said Excessive Force resulted in three (3) broken ribs and a punctured lung.

11.Shawnee Police Officer(s) unconstitutionally seized Mr. and Mrs. Grammer's parked vehicle without a warrant or even probable cause and so violated the Plaintiff's rights under Oklahoma law, the Oklahoma constitution, and the Fourth (4th) Amendment in the United States Constitution.

12.Upon information and belief, Defendant Duggan and Shawnee Police Department Officer was at all times acting under color of law and under the control of his employer, Defendant City of Shawnee and Shawnee Police Department.

13.Defendant Duggan violated Mr. Grammer's First Amendment Right to freedom of speech, Per the U.S. Constitution and Oklahoma Law.

14.Defendant Duggan unlawfully restrained the Plaintiff against his will by falsely arresting the Plaintiff, battering him along with at least one other Shawnee Police Officer, placing him in handcuffs, transporting him to the hospital, and attempting to jail him while he was still injured, but the admitting physician would not release the patient for arrest.

15.Both Plaintiffs were harmed and have suffered loss of confidence and feelings of betrayal by the justice system. Due to the shock, physical pain, physical injuries, and emotional scarring, and future damages they pray for compensation in excess of \$75,000.00.

16.That Virginia Grammar has suffered past, present, and future Emotional Distress after observing the extreme and outrageous conduct by the Shawnee Police Department when using excessive force on her Husband, Christopher Grammar.

17.Upon information and belief, Plaintiff's claims were not addressed by Defendant, City of Shawnee, and were deemed denied ninety (90) days thereafter, pursuant to 51 O.S. §§ 151 and 157. Therefore, Plaintiff is entitled to bring this action.

18.That at all times Duggan and Shawnee Police Department knew that the Plaintiff's were Native American.

19.Plaintiff reserves the right to Amend as Discovery is ongoing.

20.The abusive actions by Duggan and Shawnee Police Department were willful, extreme, and outrageous. Therefore Plaintiff's pray for Exemplary Damages.

WHEREFORE, premises considered, Plaintiff prays for actual and punitive damages against Defendants City of Shawnee, Jake Duggan, and the Shawnee Police Department in an amount in excess of Seventy-five thousand dollars (\$75,000.00), plus attorney fees, costs, and any other relief the Court deems just and proper in law or equity.

Respectfully Submitted,



Jim Cole Pettis, OBA No. 16967

Dillan Savage, OBA No. 34548

Pettis Law Firm

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Shawnee, Oklahoma 74801

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Attorney for Petitioner



1. The State of Oklahoma, by and through its Attorney General, has filed a Motion to Dismiss the Complaint filed by the Oklahoma State Public Defender's Office.

2. The State of Oklahoma, by and through its Attorney General, has filed a Motion to Dismiss the Complaint filed by the Oklahoma State Public Defender's Office.

3. The State of Oklahoma, by and through its Attorney General, has filed a Motion to Dismiss the Complaint filed by the Oklahoma State Public Defender's Office.

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VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF POTTAWATOMIE)

Petitioner, of lawful age and being duly sworn, states that he is a Petitioner in this matter and has declared that the information in the foregoing document is true and correct to the best of his knowledge.



Christopher Grammer

The above-signed has identified himself to me and has subscribed and sworn this statement before me this 24th day of September, 2021.

(SEAL)





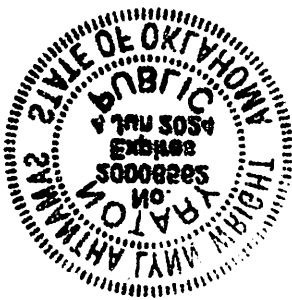
Notary Public

20006562

Commission No.

June 4, 2024

Commission Expires:



VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF POTTAWATOMIE)

Petitioner, of lawful age and being duly sworn, states that she is a Petitioner in this matter and has declared that the information in the foregoing document is true and correct to the best of her knowledge.



Virginia Grammer

The above-signed has identified herself to me and has subscribed and sworn this statement before me this 24th day of September, 2021.





Notary Public

20006562

Commission No.

June 4, 2024

Commission Expires:

Certificate of Service

I hereby certify that on September 24, 2021, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

I hereby certify that on September 24, 2021, I filed the attached document with the Clerk of the Court and served the attached document by Certified Mail on the following, who are not registered participants of the ECF System:
City of Shawnee, Jake Duggan, and the Shawnee Police Department.

s/Dillan Savage

s/ Attorney Name